



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

May 18, 2017

BY ECF

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Chambers 2102
New York, New York 10007

**Re: United States v. Wey,
15 Cr. 611 (AJN)**

Dear Judge Nathan:

The Government writes to apprise the Court of a recent decision in *In re: 650 Fifth Avenue and Related Properties*, 08 Civ. 10934 (KBF) (attached), which addresses some of the suppression issues currently pending before this Court. Notably, in concluding that the good faith exception applied, Judge Forrest distinguished *United States v. Zemyansky*, 945 F.Supp.2d 438 (S.D.N.Y. 2013), stating that *Zemyansky*'s holding that the good faith exception did not apply was "in large part" based on the fact that the officer who oversaw the search had not read the affidavit and was otherwise unfamiliar with the nature of the investigation. *In re: 650 Fifth Avenue and Related Props.*, 08 Civ. 10934, *n.34 (S.D.N.Y. May 15, 2017) ("Thus, far from the situation in *Zemyansky*, the agents on site here knew what they were looking for and, importantly, why."). In the instant case, as in *In re: 650 Fifth Avenue and Related Properties*, the agent overseeing the search, as well as the other executing agents, were well versed in the nature of the investigation and the materials to be seized.

Respectfully submitted,

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